
THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH

DONALD RAYMOND REIGELSPERGER,

Petitioner,

v.

ROBERT POWELL,

Respondent.

**MEMORANDUM DECISION
& ORDER DENYING POST-
JUDGMENT MOTION**

Case No. 4:18-CV-85 DN

District Judge David Nuffer

On September 19, 2022, this petition was dismissed, in a forty-one page order thoroughly treating on the merits each of Petitioner's claims. (ECF No. 19.) Fifty-two days later, Petitioner filed a short letter "requesting a formal investigation into [his] case." (ECF No. 21.) In this letter, Petitioner cursorily states he was hampered in his arguments by lack of a law library and that he lacked intent to commit the crime. Based on its timing and content, the Court construes the letter as a motion for relief from judgment under Federal Rule of Civil Procedure 60(b), not a filing in the nature of a second or successive petition. (*Id.*) After all, the lack of a law library is only mentioned to vaguely contrast the Court's resources with Petitioner's resources and intent was an issue addressed in the Petition and Order. (ECF Nos. 1, 19.)

In relevant part, Rule 60(b) reads:

On motion and just terms, the court may relieve a party . . . from a final judgment, order, or proceeding for the following reasons:

- (1) mistake, inadvertence, surprise, or excusable neglect;
- (2) newly discovered evidence that, with reasonable diligence, could not have been discovered in time to move for a new trial under Rule 59(b);
- (3) fraud . . ., misrepresentation, or misconduct by an opposing party;

...
(6) any other reason that justifies relief.

Fed. Civ. P. 60(b).

Petitioner's "motion" does not address any of these grounds for relief, nor does it set forth a substantive analysis that suggests Petitioner qualifies for any such relief.

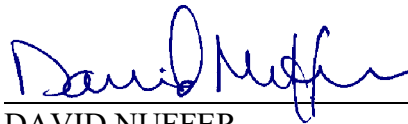
IT IS THUS ORDERED that:

(1) Petitioner's motion for relief from judgment is **DENIED**. (ECF No. 21.)

(2) a certificate of appealability is **DENIED**.

DATED this 5th day of June, 2023.

BY THE COURT:

A handwritten signature in blue ink, appearing to read "David Nuffer", is written over a horizontal line.

DAVID NUFFER
United States District Judge